IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR. JUSTICE N.V. RAMANA

WRIT PETITION No.23202 of 2004

Between:

V.Nagesh Chary

S/o.V.Satyanarayana
Nizampet Village,

Qutubullapur (M),
R.R.District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh rep. by

Secretary, Revenue Department, Secretariat, Hyderabad.
2 The District Collector, Ranga Reddy Dist.
Khairathabad,
Hyderabad.
3 The Revenue Divisional Officer Ranga Reddy (East),
Mohanjahi Market, Hyderabad.
4 The Mandal Revenue Officer
Quthbullapur Mandal, Suram,
R.R.Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order, writ or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent Nos.2 to 4 in identifying the land for establishing solid waste management project in the village of Nizampet

for alienating the Government land adjacent to the Irrigational Tank in the middle of developed colonies as arbitrary, illegal, unlawful, unconstitutional and against the principles of natural justice.

Counsel for the Petitioner : Mr. V.Venkata Kumar

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

ORDER:

The petitioner seeks a writ of mandamus declaring the action of respondents 2 to 4 in identifying the land for establishment of Solid Waste Management Project in Nizampet village thereby alienating the Government land adjacent to irrigation tank situated in the midst of the developed colonies, as arbitrary and illegal.

The facts as borne out by writ affidavit are that the petitioner is Sarpanch of Nizampet village, which is said to be close to Kukatpally Mega Township and also surrounded by Satyam Computers, Telugu University and projects like Mega City Singapore Township. When the second respondent – District Collector issued instructions for identification of suitable land for establishment of Solid Waste Management Project, the fourth respondent identified the site admeasuring Acs.6-30 guntas in Sy.No.346 in Nizampet village. It is stated that the fourth respondent sought consent of the Gram Panchayat, Nizampet, for such project. Thereafter, the petitioner and other members of the Gram Panchayat conducted an extraordinary meeting on

30-11-2004 and unanimously resolved not to give consent for establishment of such project due to air and water pollution and also the smell emanating from solid waste. The petitioner further states that the identified Government land for the project is adjacent to irrigation tank and the villagers depend on the water in the tank for watering their fields.

In the background of above facts, the main grievance of the petitioner is that the establishment of the Solid Waste Management Project in Survey No.346 in Nizampet village will cause environmental pollution and also pose serious health problems to the villagers and that the resolution of the Gram Panchayat, Nizampet, refusing to give consent, was not considered by the respondent authorities and they are not taking any action.

The petitioner has filed in the material papers the Resolution passed by the Gram Panchayat, Nizampet, resolving not to give consent for establishment of the said Project. However, the petitioner has not produced any material before this Court as to whether the said Resolution was sent to the Government or not. This Court in exercise of jurisdiction under Article 226 of the Constitution of India cannot interfere with such matters and direct the respondent authorities in a particular manner. It is for the authorities to assess the ground realities and act in accordance with law. In the circumstances of the case, the petitioner being Sarpanch, Gram Panchayat, Nizampet, is directed to file a representation along with the Resolution passed by the Gram Panchayat within one week before the first respondent and on filing such representation, the first respondent is directed to take into consideration the representation and the Resolution passed by the Gram Panchayat, before taking up the construction of the plant and going ahead with the Solid Waste Management Project and then proceed in the matter in accordance with law.

With the above observations, the writ petition is disposed of at the stage of admission.

15-12-2004

bsc

To

1 The Secretary, Revenue Department, Government of Andhra

Pradesh, Secretariat, Hyderabad.

2 The District Collector, Ranga Reddy Dist.
Khairathabad,
Hyderabad.

3 The Revenue Divisional Officer Ranga Reddy (East),
Mohanjahi Market, Hyderabad.

4 The Mandal Revenue Officer
Quthbullapur Mandal, Suram,
R.R.Dist.

5. 2CCs to Govt. Pleader for Revenue, High Court buildings,

Hyderabad (OUT)

6. 2CD copies

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